

1888-015
Lee Co.

Chancery Causes: Adm. of Henry Milbourne vs. Josiah Wynn

Flanary

CA-Debt
T-Property

To the Hon H.S.K. Merison Judge of the Circuit
Court of Lee County Virginia.

Humbly complaining your Orator ~~Reese~~
D. Fleming, High Sheriff of the County of Lee and as
such administrator of the estate of the late Henry
Milburne decd, who died intestate in the State
of Kansas on the day of 188 would respec-
tfully represent that his said intestate Milburne
in his lifetime on the first day of April 1887
obtained in your Honors Court on the law side there
of a judgment at law against one Josiah Hyman
for the sum of \$124.75 with legal interest therein from
the 28th day of Nov. 1885 till paid, and the cost of
the suit at law, amounting to \$7.76; Subject to a credit
of \$8.03 paid Augt 1-1886; and a transcript of this
judgment is herewith filed as a part of this bill
marked (A.) and is prayed to be so considered

Your Orator states that subject to said credit, the
balance on said judgment is now due and owing
to your Orator as such admr, no other or further
part of the same has ever been paid by said Hyman
or any one else for him, either to said Milburne
in his lifetime, or to your orator since his death.

Your Orator states that soon after the rendition
of said judgment an execution was issued thereon
and the same was returned not executed

Your states that said Josiah Hyman is the owner
of a valuable tract of land on which he now lives
supposed to contain acres more or less, lying

and being in said County of Lee near the head of Long
Hollow about 4 miles east of Janesville adjoining the
land of Masten Balliger and others

Your Orator states that said judgment at law
operates as a lien on said tract of Land and that
the land itself, as well as the accruing rents and
profits is liable in a court of equity to be taken
and applied to the payment of said judgment
and your Orator is informed and believes that
the rents and profits thereof will in five years
time pay said judgment interest and cost the
cost of this suit, and to enforce the payment of
said judgment by applying said rents thereto if
found sufficient, is the object of this bill, and if
not, then so much of it to be sold as will pay the same

The premises considered, your Orator prays
that said Joseph Hyman be made a defendant
to this bill and be required to answer the
same fully on oath and upon a hearing thereof
a decree be entered in favor of your Orator against
said Hyman for the amount of said judgment and for
the enforcement of the lien thereof in one of the
modes referred to. And he prays for all general
relief May writ of Habeas corpus directed &c.

Henry J. Morgan for Pettr

6.72 to Apr. 1888
S .50
CA 15.00
Esti 8.00
\$ 24.22

^{N.Y.M.}
Decree D. Henry Adm. v.

as. { Bill to Enfr. Lim. Judgt

Josiah Wyman

1888 Febry Bill Filed

Spa Exd + D. Nisi

" Mr. D. Nisi. Conf. d

+ Cause set for Hearing

" Apr. Decree continued

" Sept Decree final

R. D. Fearney adm't. &c.

Pff

מת

Joseph Hyman

Sept.

} In Chy

On calling this cause at the present time it was

announced at the bar by the attorney for the Poff. that
the debt, to enforce the payment of which this writ was.

brought had been fully paid. It is therefore adjudged

ordered and decreed that the parties be hence disjoined

and the cause stricken from the docket.

R. D. Flanery. adms.

10 $\frac{2}{3}$ Decu final

Josiah Wyman

Entersep O.B. 149

J. A. Hyatt & Co.

Entersep

Apr 4 1888

W. S. M.

S. H. Ewing admr. & Peff }
vs. } In Chy
Josiah Hyman } Dft.

This cause came on this day to be heard on the bill of the Peff and exhibits therewith taken for confessed by the defendant and was argued by counsel, and it appearing to the court that the judgment at law in the bill mentioned operates as a lien on the tract of land therein referred to and also upon the rents and profits thereof. On consideration thereof It is adjudged ordered and decreed that the plaintiff recover against the defendant Hyman \$132.51 with legal interest on \$124.75 thereof from the 28th day of Nov. 1885 till paid and the costs of this suit, subject to a credit of \$8.03 paid Aug 7 - 1886. And unless the same be paid the plaintiff within 10 days from the rising of the court then that the tract of land in the bill mentioned be rented for the shortest period the same will yield the requisite sum, payable annually with interest from date of renting said renting shall be at public auction to the highest bidder after 30 days notice of time, place and place of renting & the same shall be at the front door of the court house of Lee County on some court day. At said renting so much cash as will pay the costs of suit and renting shall be required to be paid in hand and as to the residue it shall be paid annually with interest and the lessee to give bond with approved security for the deferred payments & Henry J. Morgan is

appointed a Special Commissioner to execute this
decree who before doing so is required to execute bond
before the clerk of this court with good security in
the penalty of \$300. with condition to account for all
money he may receive in the cause and he will
report his action to the court & the cause is continued

J. A. S. H. [unclear]
J. A. S. H. [unclear] [unclear]

25 } Dec 10/1

Special Warrant

Return of Warrant

"Q. D. [unclear] 116

Warrant [unclear]

Under
Warrant

Apr. 30 1888

Virginia

Circuit Court Lee County. April the 1st 1887.

Henry Milbourne

Plff.

vs.

Josiah Wagon

Def.

In Debt.

The defendant not appearing it is considered by the court that the judgment obtained against him in the clerk's office against him for \$124.75 the debt in the declaration mentioned with legal interest thereon from the 28th day of Nov. 1885 till paid, and the cost be made final subject to a credit of \$8.03 paid Aug 1-1886. B. 4.51. A. 2.50. S. 50. B. 60 ct 25

B. 4.51
A. 2.50
S. 50
B. 60 ct 25
7.76

A Copy

Teste J. A. G. Hyatt & Co

Jaugh due as above with Int from Nov. 28/85 \$124.75

Interest to Aug 1-1886.

Credit Aug 1-1886 by

Interest on Sum to March 1-1888

Add for costs of suit at law

Add costs of Chy suit

Int on \$121.71 from Mar 1- to June 5 1888.

Add 5 per cent com on \$170.07

4.99
129.74
8.03
121.71
11.56
133.27
7.76

27.22

1.82

7.50
177.57

Milbourne paid as. Hyman den Nov. 28 1885. \$124.75

Interest on same to Augt 1-1886. 16.99
129.74

Credit Augt 1-1886 by 8.53
121.71

Interest on same to June 5/1888. 13.40
135.11

5 per cent com retained 6.75

Bal den June 5-1888. . . . 128.36

1888 June 9 By Cash paid JH Br 128.36

Henry Milbourne
To copy of
mem
J. H. Br.
Josiah Hyman

(A)

Know all men by these presents,
that we H. J. Morgan and J. A. S. Hyatt
are held and firmly bound unto the
Commonwealth of Virginia in the sum
of Three Hundred Dollars, and for
the prompt payment thereof well and
truly to be made unto the said
Carneth, we each bind ourselves
heirs &c - and we as to this bond
waive our Homestead exemption
witness our hands and seals
this May 8th 1888.

The condition of the above
obligation is such that whereas
the above bound H. J. Morgan
was by a decree entered on the
3^d April 1888, in the Chancery Cause
of R. D. Flannery Admr &c vs Josiah
Wynn, appointed a special
Commissioner, and therein
directed to rent out certain
lands in the bill mentioned.

Now therefore should the said
Morgan promptly perform the
duties assigned him and justly
account for all sums of money
he may receive as such Comr, then
this obligation to be void
(and)

R. D. Flannery Admstr
3 Courts
as 3 Bonds
Josiah Hyatt

Filed May 8th 1888
J. A. Hyatt & Co.

otherwise to remain in full
force.
J. A. Hyatt & Co. Secy

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

Joseph Wynn

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday in *February* next, being rule day to answer a bill in Chancery exhibited in our said Court against *him*

by *R. D. Flanagan* Sheriff

& Administrator of Henry Millburne Dec'd

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse. This *17th* day of *January* 1888, in the 11 *2* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

(249 m)

R. D. Flannery Admwr
vs. J. Spaulm Chy.
Josiah Wynn

To. Feb. Rules 1888

Executed by deliv-
ering an office copy
of this Spa to the
wife of Josiah Wynn
and by reading &
explaining the same to
her, said Wynn not
being found at his
usual place of
abode, January
21st 1888

R. D. Flannery, S.S.
for S. H. Erving S.S.

I accept legal service
of this Spa after the
amendment is made substituting
R. D. Flannery & name for S. H. Erving
March 5th 1888.

Sheriff H. C. Erving W. J. W.